

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FREDERICK O. SILVER,

Plaintiff,

v.

CAPITOL ONE SERVICES LLC,

Defendant.

CASE NO. 3:25-cv-05175-DGE

ORDER STRIKING PLAINTIFF'S
MOTION TO COMPEL (DKT. NO.
31)

Plaintiff filed a motion to compel responses to interrogatories, requests for production, and requests for admission served on July 1, 2025. (Dkt. No. 31 at 1.) Federal Rule of Civil Procedure 26(d)(1) states a “party may not seek discovery from any source before the parties have conferred as required by Rule 26(f).” Federal Rule of Civil Procedure 26(f) requires the parties to confer and identify, among other things, a discovery plan. Plaintiff’s motion does not certify that the Rule 26(f) conference has occurred.

Moreover, the scheduling conference in this matter is set for October 3, 2025. As is customary, at the scheduling conference the Court will instruct the parties on the Court’s

1 discovery dispute resolution procedure. As will be explained at the scheduling hearing, that
2 procedure prohibits the filing of any discovery related motions until after a discovery dispute
3 status hearing has been conducted.

4 Lastly, the initial disclosures deadline is September 22, 2025. (Dkt. No. 21.) Information
5 and documents related to this matter that are produced as part of the initial disclosures
6 presumably will impact the scope of the discovery sought in Plaintiff's initial discovery requests.

7 Accordingly, Plaintiff's motion to compel is STRICKEN as it is premature and, as the
8 parties will learn at the scheduling conference, violates the Court's discovery dispute resolution
9 process.

10 Dated this 27th day of August, 2025.

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13 David G. Estudillo
14 United States District Judge
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